IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Crl.Rev.Pet.No. 761 of 1999()

AGAINST THE JUDGMENT DT.4.8.99 IN ST.978/1996 of JUDL.MAGISTRATE OF FIRST CLASS-II, MUVATTUPUZHA .

.....

REVN. PETITIONERS: ACCUSED

----

1. **BENNY S/O.KURIAN,**
   CHEMPAKASSERIL, POTHANICADU KARA,
   POTHANICADU VILLAGE.

2. **JOHN S/O.CHACKO, RATHAPPILLI, DO. DO.**

3. **CHRISTEENA W/O. JOHN, DO. DO.**

4. **AMMINI, W/O.KURIAN, CHEMPAKASSERIL, DO. DO.**

BY ADV. SRI.S.SHYAM
SRI.PHILIP M.VARUGHESE

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18 / 06 / 2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.761 of 1999

DATED THIS THE 18th JUNE 2007

ORDER

The revision petitioner is the accused who stands convicted for the offence under Section 38 read with Section 52 of the Kerala Police Act and sentenced to pay a fine of Rs.200/- each and in default to undergo simple imprisonment for one week each .

2. The prosecution case is that on 15-7-1996 at 12.30 p.m. the accused obstructed the metalling of the road near the house of one Chakkalackal Jose, despite the directions given to them by CW5, the Assistant Sub Inspector of Pothanicad police station. The prosecution evidence adduced in the matter consisted of the testimony of Pws.1 to 3 and Ext.P1. PW1 is the President of the Panchayat who has testified as to the incident. PW2 another occurrence witness who turned hostile. PW3 is the Assistant Sub Inspector who gave direction to the accused to abstain from obstructing of the tarring of the road. A1 and A2 were removed from the scene and A3 and A4 were

removed with the assistance of women police constables. I find that the evidence of PW3 stands unimpeached. I find no reason to interfere in the findings of the trial court. The criminal revision petition is dismissed confirming the conviction and sentence imposed.

K.R.UDAYABHANU, JUDGE

ks.

ORDER ON CRL.M.P.NO. 3394/1999 IN CRL.R.P.NO. 761/1999

DISMISSED.

18-6-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.NO.761 of 1999

ORDER

18-6-2007